

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 58th LEGISLATURE - REGULAR SESSION

JOINT APPROPRIATIONS SUBCOMMITTEE ON CORRECTIONS AND PUBLIC SAFETY

Call to Order: By **CHAIRMAN STANLEY (STAN) FISHER**, on
February 10, 2003 at 8:35 A.M., in Room 317-A Capitol.

ROLL CALL

Members Present:

Rep. Stanley (Stan) Fisher, Chairman (R)
Sen. Corey Stapleton, Vice Chairman (R)
Sen. Keith Bales (R)
Rep. Tim Callahan (D)
Rep. Carol C. Juneau (D)
Sen. Trudi Schmidt (D)

Members Excused: Rep. Dave Lewis (R)

Members Absent: None.

Staff Present: Marian Collins, Committee Secretary
Brent Doig, OBPP
Lorene Thorson, Legislative Branch

Please Note. These are summary minutes. Testimony and discussion
are paraphrased and condensed. The time stamp for
these minutes appears at the beginning
of the content it refers to.

Committee Business Summary:

Hearing & Date Posted: None
Executive Action: Public Service Commission

EXECUTIVE ACTION ON PUBLIC SERVICE COMMISSION

CHAIRMAN FISHER informed the committee this hearing was scheduled in order to re-evaluate vacancy factors and professional memberships to which the Public Service Commission (PSC) belongs. **SEN. STAPLETON** stated that information he was given earlier regarding the PSC was not accurate, and wishes to re-consider his actions regarding vacant positions on the PSC.

{Tape: 1; Side: A; Approx. Time Counter: 4.3 - 25}

Bob Rowe, Chairman, Public Service Commission, stated that the PSC has consolidated substantially since 1993 when he began with the Commission. Generally, the PSC has moved people out of administration and into analytical functions and consumer work in the utility division. The deregulation of the generation sector has created more work for the commission due to rapidly changing events. The commission is now part of a larger regional market in telecommunications and energy. Three positions currently open that have been advertised are: 1) Administrative Support currently at the Department of Administration to be re-classified; 2) Rate Analyst; and 3) Utility Division Administrator. Two positions that have not been advertised are: 1) Policy Advisor, and 2) Attorney. **Mr. Rowe** stated that the Commission's desire is to fill the Policy Advisor position after the Utility Division Administrator has been hired at which time the Policy Advisor would then move into a high level technical position within the Utility Division. The Attorney position has not been filled because the current Chief Counsel has been too busy to go through the process of hiring and training a new person. If the Attorney position is authorized, it will primarily work on energy issues. The Administrative Support position has been vacant since November 1, 2002. The Rate Analyst position has been vacant for a year. Steve Vick has been the temporary administrator in the Utility Division since June 2002. The Policy Advisor position has been vacant since the end of December 2002. The Attorney position has been vacant since late October 2002. **SEN. STAPLETON** asked **Mr. Rowe** how politics enter into filling vacant positions. **Mr. Rowe** stated that politics do not enter into the consideration of qualified applicants. **CHAIRMAN FISHER** asked what the Policy Advisor position entails. **Mr. Rowe** stated that person is the direct representative for the Commission. They also: 1) deal with internal issues within the Commission; 2) deal with national energy issues; and 3) deal with concerns of low-income electric customers.

CHAIRMAN FISHER asked about the two organizations to which the Commission is a member. **Mr. Rowe** stated that dues to the organizations are assessed on a sliding scale. One organization is the National Association of Regulatory Utility Commissioners (NARUC), which meets three times per year. NARUC is the primary way for states to share information with one another via weekly conference calls and electronic communication. The second organization is the National Regulatory Research Institute (NRRI), which is an affiliate of NARUC and established with Ohio State University. The Montana PSC receives weekly and/or bi-weekly reports from NRRI relating to such issues as infrastructure, market issues in natural gas, energy and telecommunications, as well as consumer data. **Mr. Rowe** stated that both organizations are extremely important to the operation of the PSC, and a relatively modest amount is allocated each year for travel to meetings.

CHAIRMAN FISHER asked if the PSC could re-evaluate the need to fill the Rate Analyst and the Utility Division Administrator positions for FY 2004/2005. **Mr. Rowe** stated that the Utility Division is the largest division and therefore in need of an Administrator. The Rate Analyst position and the Administrative Support are the other two positions most needed at this time. **Steve Vick, temporary Administrator, PSC Utility Division**, stated that all filings pertaining to telephone industry deregulation are sent to his office. The paperwork for one part now stands about three feet high in his office. The amount of paperwork is one of the reasons for moving the Rate Analyst position from the Transportation Division. The PSC determined there was a need for an additional person to review the new rules who had an understanding of the markets, such as an economist, which is what's being sought.

{Tape: 1; Side: A; Approx. Time Counter: 27.9 - 30.2}

{Tape: 1; Side: B; Approx. Time Counter: 5.4 - 7}

Motion: **CHAIRMAN FISHER** moved to **ELIMINATE THE VACANT POLICY ADVISOR POSITION AND THE VACANT ATTORNEY POSITION FOR FY 2004/2005. THE PSC CAN COME BEFORE THE LEGISLATURE IN 2005 TO REQUEST THOSE POSITIONS IN THE FUTURE IF DEEMED NECESSARY.**

Discussion:

REP. CALLAHAN stated the information provided from the member organizations is vital and necessary for the PSC to do their job. **SEN. STAPLETON** asked the cost of membership dues. **Mr. Rowe** stated dues are approximately \$16,000.

SEN. SCHMIDT expressed concern about eliminating the attorney position at this time.

Vote: Motion carried 4-3 with **REP. CALLAHAN, REP. JUNEAU AND SEN. SCHMIDT** voting no by roll call vote.

{Tape: 1; Side: B; Approx. Time Counter: 8.5 - 13.5}

SEN. BALES requested reconsidering actions regarding the funding for the Department of Labor & Industry's Apprenticeship Training Program. Funding for the program was cut by Executive Action last Friday. **CHAIRMAN FISHER** suggested taking this issue to full Appropriations instead of at this time.

Motion/Vote: **SEN. BALES** moved to **RECONSIDER ACTIONS REGARDING THE DEPARTMENT OF LABOR AND INDUSTRY**. Motion carried 6-1 with **REP. FISHER** voting no by voice vote.

Discussion followed the previous motion as to where the money would come from to fund the Apprenticeship Training Program.

{Tape: 1; Side: B; Approx. Time Counter: 19.2 - 22.4}

Motion/Vote: **SEN. STAPLETON** moved to **TRANSFER FUNDING FROM THE DISPLACED HOMEMAKER PROGRAM TO FUND THE APPRENTICESHIP PROGRAM**. Motion failed 3-4 with **REP. FISHER, SEN. BALES AND SEN. STAPLETON** voting aye by roll call vote.

{Tape: 1; Side: B; Approx. Time Counter: 22.7 - 26}

Motion/Vote: **SEN. BALES** moved to **REINSTATE \$140,000 ESA MONIES (\$70,000 EACH YEAR) TO FUND THE APPRENTICESHIP PROGRAM**. Motion failed 3-4 with **REP. CALLAHAN, SEN. BALES AND SEN. SCHMIDT** voting aye by roll call vote.

ADJOURNMENT

Adjournment: 9:30 A.M.

REP. STANLEY (STAN) FISHER, Chairman

MARIAN COLLINS, Secretary

SF/MC

EXHIBIT (jch29aad)